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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA08 APR 18 PM 12:03
Clerk's Office
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Magistrate Case No. 08 MJ 1203
Plaintiff,)	By: <i>[Signature]</i>
v.)	<u>COMPLAINT FOR VIOLATION OF:</u>
Def 1) William PINON,)	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Def 2) Cynthia Adriana RODRIGUEZ)	Transportation of Illegal
)	Aliens
Defendant(s))	
)	

The undersigned complainant, being duly sworn, states:

On or about **April 16, 2008** within the Southern District of California, defendants **William PINON and Cynthia Adriana RODRIGUEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Sandra MENDEZ-Hernandez, Nancy OCHOA-De Bernal, Yamile VARGAS-Hernandez and Daniel BERNAL-Rios**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF APRIL 2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Def 1) William PINON****Def 2) Cynthia Adriana RODRIGUEZ****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Sandra MENDEZ-Hernandez, Nancy OCHOA-De Bernal, Yamile VARGAS-Hernandez and Daniel BERNAL-Rios**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 16, 2008, Border Patrol Agent A. Galioto was performing Border Patrol duties in Tecate, California. At approximately 7:30 p.m., he responded to a sensor activation near California State Route 94(SR-94). Upon arriving in the area, Agent Galioto observed a red pick-up truck driving slowly on SR- 94 heading westbound. SR-94 is a road that runs east/west through this area and is a common corridor used by alien smuggling organizations in order to evade apprehension.

Upon closer observation, Agent Galioto observed several individuals attempting to conceal themselves in the bed of the truck. The driver of the vehicle noticed Agent Galioto's marked Border Patrol vehicle behind them and immediately executed an abrupt u-turn that caused several of the individuals to be tossed around in the bed of the truck. Agent Galioto continued to follow the vehicle when it pulled into a driveway and stopped on the south side of SR- 94. Agent Galioto observed several individuals fleeing from the vehicle but was able to secure the vehicle along with the individuals that remained inside the truck. Agent Galioto identified himself as a United States Border Patrol Agent and questioned the fourteen individuals as to their citizenships. Two individuals that were riding in the driver and front passenger part of the vehicle, later identified as defendant #1 **William PINON** and defendant #2 **Cynthia Adriana RODRIGUEZ**, stated that they were United States citizens. The other twelve individuals freely admitted that they were citizens and nationals of Mexico without any immigration documents that would allow them to enter, or remain in the United States lawfully. Agent Galioto then placed all fourteen individuals under arrest and transported them to the Tecate, California Processing Center.

DEFENDANT STATEMENT: William PINON

The defendant **William PINON** was advised of his Miranda Rights and stated he understood and was willing to speak without having an attorney present. PINON stated he is a United States citizen.

PINON stated that on April 16, 2008 he was contacted by a man named Arturo who asked him if he would accompany him to pick-up illegal aliens. PINON stated he was to receive \$100 for every illegal alien in the load. PINON stated he knew the bodies that were to be picked up were illegal aliens.

PINON stated that defendant #2 **Cynthia Adriana RODRIGUEZ** came along with him to pick-up the illegal aliens. PINON stated that RODRIGUEZ had knowledge of the smuggling arrangements and was going to be paid \$50 for her part. PINON stated that he and RODRIGUEZ roles were to ride in the vehicle in order to make it appear less suspicious to the Border Patrol.

CONTINUATION OF COMPLAINT:**Def 1) William PINON****Def 2) Cynthia Adriana RODRIGUEZ****DEFENDANT STATEMENT: Cynthia Adriana RODRIGUEZ**

The defendant **Cynthia Adriana RODRIGUEZ** was advised of her Miranda Rights and stated she understood and was willing to speak without having an attorney present. RODRIGUEZ stated she is a United States citizen.

RODRIGUEZ stated that on April 16, 2008, she was picked up in Logan Heights by a man named Juan who asked her if she wanted to make \$100 for riding in a car to the casino and back. RODRIGUEZ stated that she was to ride in the vehicle to make it appear normal. RODRIGUEZ stated that Juan drove to an area near Campo, California and picked-up a large group of illegal aliens.

RODRIGUEZ stated that her friend, defendant #1 **William PINON**, was to pay her the money to ride in the vehicle and pick up the illegal aliens. RODRIGUEZ stated that they were supposed to take the illegal aliens to an unknown address in San Diego, California.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Sandra MENDEZ-Hernandez, Nancy OCHOA-De Bernal, Yamile VARGAS-Hernandez and Daniel BERNAL-Rios** agree in summary that they are citizens and nationals of Mexico and that they do not have any legal documents to be or remain in the United States legally. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$2,000.00 to \$2,500.00 (US) to be smuggled into the United States. All of the Material witnesses were shown photographic line ups and were able to positively identify defendant #1 **William PINON** in photo line up #1 as the driver of the vehicle and were able to positively identify defendant #2 **Cynthia Adriana RODRIGUEZ** in photo line up #2 as the female passenger in the vehicle who threatened to hurt them if they said anything after they were apprehended.